

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-32 are cancelled. Claims 33-63 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claim 48 has been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 33-36, 38, 40-46, 51-52, 57, and 59-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig (U.S. Patent No. 5,758,079) in view of Kikinis (U.S. Patent No. 5,929,849). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 33-36 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., pages 25-26 and 32-33 of the specification.

As amended herein, claim 33 recites:

storage means for storing attribute information of the individual,

digital broadcast receiving means for receiving a multiplexed digital broadcast signal within which (i) advertising information includes link information showing a linking method between the advertising information and detailed information regarding the advertising information and (ii) a target identification code identifies a viewer class as a target of one of goods and services advertised by the advertising information, and

processing means for correlating the target identification code with the attribute information and for extracting the advertising information when the attribute information coincides with the target identification code[.]

(Emphasis added.) Neither the relied on sections of Ludwig nor

the relied on sections of Kikinis disclose or suggest storing attribute information of an individual. Moreover, neither the relied on sections of Ludwig nor the relied on sections of Kikinis disclose or suggest a target identification code which identifies a viewer class as a target of one of goods and services advertised by advertising information. Further, neither the relied on sections of Ludwig nor the relied on sections of Kikinis disclose or suggest correlating a target identification code (which identifies a viewer class as a target of one of goods and services advertised by advertising information) with attribute information (of an individual). Still further, neither the relied on sections of Ludwig nor the relied on sections of Kikinis disclose or suggest extracting advertising information when attribute information (of an individual) coincides with target identification code (which identifies a viewer class as a target of one of goods and services advertised by advertising information).

It follows, for at least these reasons, that neither the relied on sections of Ludwig nor the relied on sections of Kikinis, whether taken alone or in combination, disclose or suggest the system set out in claim 33. Claim 33 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 34-36 each call for features similar to those set out in the above excerpt of claim 33. Each of these claims is therefore patentably distinguishable over the relied on sections of Ludwig and Kikinis for at least the reasons set out above regarding claim 33.

Claims 38, 40-42, 51-52, and 59-63 depend from claim 33; claims 38, 40-46, 51-52, and 59-63 depend from claim 34; claims 38, 40-42, 51-52, 57, and 59-63 depend from claim 35; and claims 38, 40-46, 51-52, 57, and 59-63 depend from claim 36. Therefore, each of these claims is distinguishable

over the relied on sections of the references at least for the same reasons as its parent claim.

Turning now to the other rejections under 35 U.S.C. § 103(a):

(i) claim 37 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Suh (U.S. Patent No. 5,850,265),

(ii) claim 39 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Bryer (U.S. Patent No. 4,780,757),

(iii) claims 47 and 48 were rejected as being unpatentable over Ludwig in view of Kikinis in view of Yoshida (U.S. Patent No. 5,517,321),

(iv) claim 49 was rejected unpatentable over Ludwig in view of Kikinis in view of Hashimoto (U.S. Patent No. 4,982,441),

(v) claim 50 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Stephens (U.S. Patent No. 5,707,288),

(vi) claim 53 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Sudman (U.S. Patent No. 5,601,436),

(vii) claims 54-55 were rejected unpatentable over Ludwig in view of Kikinis in view of Sudman and further in view of Montague (U.S. Patent No. 5,761, 669),

(viii) claim 56 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Miller (U.S. Patent No. 5,920,701), and

(ix) claim 58 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Herz (U.S. Patent No. 6,088,722).

Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Claims 37, 39, 50, and 53-55 depend from claim 33, claims 37, 39, 47-50, and 53-55 depend from claim 34, and claims 37, 39, 50, 53-56, and 58 depend from claim 35, claims 37, 39, 47-50, 53-56, and 58 depend from claim 36. Therefore, each of the claims is distinguishable over the relied-on sections of Ludwig and Kikinis for at least the same reasons.

Neither the relied-on sections of Suh, the relied-on sections of Bryer, the relied-on sections of Yoshida, the relied-on sections of Hashimoto, the relied-on sections of Stephens, the relied-on sections of Sudman, the relied-on sections of Montague, the relied-on sections of Miller, nor the relied-on sections of Herz overcome the deficiencies of the relied-on sections of Ludwig and Kikinis.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 10/032,773

Docket No.: SONYJP 3.0-1214 DIV

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 14, 2009

Respectfully submitted,
Electronic signature: /Lawrence
E. Russ/
Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

1010962__1.DOC